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UNITED STATES MAGISTRATE COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,	)	No. CR 3:12-MJ-71326 NC
	)	
	)	
v.	)	STIPULATION AND <del>PROPOSED</del>
	)	ORDER FOR CONTINUANCE FROM
LEUNG-CHOI CHAN,	)	JANUARY 28, 2013 TO FEBRUARY 6,
	)	2013 AND EXCLUDING TIME FROM
Defendant.	)	THE SPEEDY TRIAL ACT
	)	CALCULATION (18 U.S.C. §
	)	3161(h)(8)(A)) AND WAIVING TIME
	)	LIMITS UNDER RULE 5.1

With the agreement of the parties, and with the consent of the defendant, the Court enters this order scheduling a preliminary hearing date of February 6, 2013 at 9:30 a.m. before the duty magistrate judge, and documenting the defendant's waiver of the preliminary hearing date under Federal Rule of Criminal Procedure 5.1 and the exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(b), from January 28, 2013 to February 6, 2013. The parties agree, and the Court finds and holds, as follows:

1. The defendant has been released on a bond.
2. The defendant agrees to an exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(B)(iv) to provide reasonable time necessary for effective preparation,

1 taking into account the exercise of due diligence.

2 3. The defendant waives the time limits of Federal Rule of Criminal Procedure 5.1 for  
3 preliminary hearing.

4 4. Counsel for the defense believes that postponing the preliminary hearing is in his  
5 client's best interest, and that it is not in his client's interest for the United States to indict the  
6 case during the normal timeline established in Rule 5.1.

7 5. The Court finds that, taking into the account the public interest in the prompt  
8 disposition of criminal cases, these grounds are good cause for extending the time limits for a  
9 preliminary hearing under Federal Rule of Criminal Procedure 5.1. Given these circumstances,  
10 the Court finds that the ends of justice served by excluding the period from January 28, 2013 to  
11 February 6, 2013, outweigh the best interest of the public and the defendant in a speedy trial. 18  
12 U.S.C. § 3161(h)(8)(A).

13 6. Accordingly, and with the consent of the defendant, the Court (1) sets a preliminary  
14 hearing date before the duty magistrate judge on February 6, 2013, at 9:30 a.m., and (2) orders  
15 that the period from January 28, 2013 to February 6, 2013, be excluded from the time period for  
16 preliminary hearings under Federal Rule of Criminal Procedure 5.1 and from Speedy Trial Act  
17 calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

18  
19 IT IS SO STIPULATED:

20  
21 DATED: January 23, 2013 \_\_\_\_\_/s\_\_\_\_\_  
22 DOUGLAS R. SCHWARTZ  
Attorney for Defendant

23  
24 DATED: January 23, 2013 \_\_\_\_\_/s\_\_\_\_\_  
25 MARC P. WOLF  
Special Assistant United States Attorney

26  
27 IT IS SO ORDERED.

28 DATED: January 25, 2013

  
\_\_\_\_\_  
United States Magistrate Judge